

California Victim Compensation and Government Claims Board Open Meeting Minutes

November 17, 2005

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services Agency, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, November 17, 2005, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; and Irma Mitchell, Board Liaison, recorded the meeting.

The Board meeting commenced at 10:02 a.m. with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the October 20, 2005 Board meeting.

GOVERNMENT CLAIMS PROGRAM

Item 1 Claimant: Fairfax Imaging, Inc IFB No. FTB-0405-22

Kathleen Andleman, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Fairfax Imaging, Inc.; Invitation for Bid (IFB) No.-0405-22."

Steve Everett of Fairfax Imaging, Inc., Gary Burke, District Sales Manager for Scan Optics; and Paul Yantus, Chief Executive Officer and President of San Optics appeared. Steven McGee, Senior Staff Counsel Department of General Services, also appeared. Carrie Simpson appeared on behalf of the Franchise Tax Board.

The Board voted to approve the staff recommendation.

Item 2 Government Claims Consent Agenda:

Item 57 Claimant: Merced County Sheriff's Department G346120

The Board approved claimant's request to continue the claim to the December 15, 2005 meeting.

Item 66, 67 Claimant: Pacific Bell Telephone Company dba SBC G549573, G549611

Rebecca Moot, Paralegal, SBC West Legal Department appeared and presented arguments to the Board. DeeDee Andris, Assistant Caltrans Administrator, Protests, Disputes and Claims, appeared on behalf of the Department of Transportation.

The Board voted to adopt the staff recommendation to reject the claims.

Item 84 **Claimant: Jerry Sue Hooper** **G554828**

Claimant appeared and requested that the Board approved her claim. Also present was Peter Baldridge who assisted claimant in presenting her claim.

The Board voted to adopt the staff recommendation to reject the claim.

Item 95 **Claimant : Daphne Duverney** **G555140**

Claimant appeared and requested the Board approve her claim.
The Board voted to adopt the staff recommendation to reject the claim.

The Board voted to adopt the remaining staff recommendations.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
377	265	56	14	42

Item 3 **Claimant: Alternative Programs, Inc. G540627, G540703, G540841, G546232, G546236, G552248, G552455**

The Board approved claimant's request to continue the claim to the December 15, 2005 meeting.

Item 4 **Claimant: Kleinfelder, Inc.** **G552784**

The Board approved claimant's request to continue the claim to the December 15, 2005 meeting.

Item 5 **Claimant: Tenet Patient Financial Services** **G541154, G555067, G555068**

The Board voted to adopt the staff recommendation to allow the claims in the amounts of \$5,915, \$6,845, and \$72,321 (respectively), under the authority of Government Code section 965 (agency pay).

Item 6 **Claimant: Susan S. Clark and Paul Heavenridge** **G552147, G552178**

The Board voted to adopt the staff recommendation to allow the claims in the amounts of \$23,400 and \$83,583 (respectively), under the authority of Government Code section 965 (agency pay).

Item 7 **Claimant: California Pacific Medical Center** **G554960**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$99,881.04 to be paid pursuant to Government Code section 965 (agency pay).

Item 8 **Claimant: California Youth Authority** **G554065**

The Board voted to re-examine the claim previously rejected at its July 2005 meeting pursuant to Government Code section 913.2 and voted to allow the claim in the amount of \$44,246.19 to be paid under the authority of Government Code section 13928 (legislative pay).

Item 9 **Claimant: Department of Water Resources** **G526410**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$4,907.65, paid under the authority of Government Code section 13928 (legislative pay).

Item 10 **Claimant: Department of Fish and Game** **G548410**

Will Fong appeared on behalf of the Department of Fish and Game.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$31,545.96 to be paid under the authority of Government Code section 13928 (legislative pay).

Item 11 **Claimant: Department of Fish and Game** **G548409, G548411**

Will Fong appeared on behalf of the Department of Fish and Game.

The Board voted to adopt the staff recommendation to allow the claims in the amounts of \$43,561.76 and \$11,488.98 (respectively) to be paid under the authority of Government Code section 13928 (legislative pay).

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:31 a.m.

REPORTS TO THE BOARD

THE EXECUTIVE OFFICER'S STATEMENT

Karen McGagin presented her report to the Board.

QUARTERLY STATISTICAL REPORT

Ted Boughton, Deputy Executive Officer, Victim Compensation Program, delivered the "Quarterly Statistical Report" for July 1, through September 30, 2005.

PROPOSED 2006 CALENDAR OF BOARD MEETINGS

The Board voted to approve the 2006 Schedule of Board Meetings.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 9, 11 and 12; continue agenda item 10; deny the requests for reconsideration for agenda item numbers 13 through 33, and deny requests for reconsideration after Board action on a proposed decision for agenda item numbers 34 and 35.

Item 10 **CLAIMANT** **863914V**

The Board continued this item to the December 15, 2005 meeting.

Item 13	<u>CLAIMANT</u>	<u>586590V</u>
Item 14	<u>CLAIMANT</u>	<u>726070V</u>
Item 15	<u>CLAIMANT</u>	<u>756095V</u>
Item 16	<u>CLAIMANT</u>	<u>759887V</u>
Item 17	<u>CLAIMANT</u>	<u>783083V</u>
Item 18	<u>CLAIMANT</u>	<u>791120V</u>
Item 19	<u>CLAIMANT</u>	<u>793656V</u>
Item 20	<u>CLAIMANT</u>	<u>800736V</u>
Item 21	<u>CLAIMANT</u>	<u>824597V</u>
Item 22	<u>CLAIMANT</u>	<u>824680, 824681V</u>
Item 23	<u>CLAIMANT</u>	<u>824682V</u>
Item 24	<u>CLAIMANT</u>	<u>841431V</u>
Item 25	<u>CLAIMANT</u>	<u>842273V</u>
Item 26	<u>CLAIMANT</u>	<u>843786V</u>
Item 27	<u>CLAIMANT</u>	<u>844795V</u>
Item 28	<u>CLAIMANT</u>	<u>860525V, 860527V</u>
Item 29	<u>CLAIMANT</u>	<u>863606V</u>
Item 30	<u>CLAIMANT</u>	<u>864497V</u>
Item 31	<u>CLAIMANT</u>	<u>868491V</u>
Item 32	<u>CLAIMANT</u>	<u>870278V</u>
Item 33	<u>CLAIMANT</u>	<u>874220V</u>
Item 34	<u>CLAIMANT</u>	<u>781154V</u>
Item 35	<u>CLAIMANT</u>	<u>804448V</u>

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

The Board voted to adopt the staff recommendations on the claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, section 647.20.1 for agenda item numbers 36 through 67.

Item 36	<u>CLAIMANT</u>	<u>359132V</u>
Item 37	<u>CLAIMANT</u>	<u>674160V</u>
Item 38	<u>CLAIMANT</u>	<u>766512V</u>
Item 39	<u>CLAIMANT</u>	<u>612308V</u>
Item 40	<u>CLAIMANT</u>	<u>681595V</u>
Item 41	<u>CLAIMANT</u>	<u>696798V</u>
Item 42	<u>CLAIMANT</u>	<u>793612V</u>
Item 43	<u>CLAIMANT</u>	<u>834454V</u>
Item 44	<u>CLAIMANT</u>	<u>843904V</u>

Item 45	CLAIMANT	844729V
Item 46	CLAIMANT	859522V
Item 47	CLAIMANT	851622V
Item 48	CLAIMANT	853471V
Item 49	CLAIMANT	853613V
Item 50	CLAIMANT	857511V
Item 51	CLAIMANT	857857V
Item 52	CLAIMANT	865160V
Item 53	CLAIMANT	873124V
Item 54	CLAIMANT	875110V
Item 55	CLAIMANT	875119V
Item 56	CLAIMANT	875120V
Item 57	CLAIMANT	878964V
Item 58	CLAIMANT	880673V
Item 59	CLAIMANT	656391V
Item 60	CLAIMANT	809982V
Item 61	CLAIMANT	864396V
Item 62	CLAIMANT	864397V
Item 63	CLAIMANT	864398V
Item 64	CLAIMANT	864399V
Item 65	CLAIMANT	884942V
Item 66	CLAIMANT	884944V
Item 67	CLAIMANT	884947V

CLOSED SESSION

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer and Chief Counsel at 10:57 a.m. to deliberate on the proposed decisions for agenda item numbers 68 through 109 and to confer with and receive advice from legal counsel regarding pending litigation.

The Board reconvened into open session at 10:58 a.m.

PROPOSED DECISIONS

Item 68	CLAIMANT	277497V
The Board voted to adopt the proposed decision.		
Item 69	CLAIMANT	56367V
The Board voted to adopt the proposed decision.		
Item 70	CLAIMANT	568651V
The Board voted to adopt the proposed decision.		
Item 71	CLAIMANT	575756V
The Board voted to adopt the proposed decision.		
Item 72	CLAIMANT	601714V
The Board voted to adopt the proposed decision.		
Item 73	CLAIMANT	608238V
The Board voted to adopt the proposed decision.		
Item 74	CLAIMANT	662181V
The Board voted to adopt the proposed decision.		
Item 75	CLAIMANT	681460V
The Board voted to adopt the proposed decision.		

Item 76	CLAIMANT	689096V
The Board voted to adopt the proposed decision.		
Item 77	CLAIMANT	735948V
The Board voted to adopt the proposed decision.		
Item 78	CLAIMANT	755754V
The Board voted to adopt the proposed decision.		
Item 79	CLAIMANT	767141V
The Board voted to adopt the proposed decision.		
Item 80	CLAIMANT	770545V
The Board voted to adopt the proposed decisions.		
Item 81	CLAIMANT	772382V
The Board voted to adopt the proposed decision.		
Item 82	CLAIMANT	775791V
The Board voted to adopt the proposed decision.		
Item 83	CLAIMANT	776323V
The Board voted to adopt the proposed decision.		
Item 84	CLAIMANT	780134V
The Board voted to adopt the proposed decision.		
Item 85	CLAIMANT	784713, 784714V
The Board voted to adopt the proposed decision.		
Item 86	CLAIMANT	787432V
The Board voted to adopt the proposed decision.		
Item 87	CLAIMANT	789135V
The Board voted to adopt the proposed decision.		
Item 88	CLAIMANT	791813V
The Board voted to adopt the proposed decision.		
Item 89	CLAIMANT	796749V
The Board voted to adopt the proposed decisions.		
Item 90	CLAIMANT	797013V
The Board voted to adopt the proposed decision.		
Item 91	CLAIMANT	797896V
The Board voted to adopt the proposed decision.		
Item 92	CLAIMANT	801836, 801835V
The Board voted to adopt the proposed decision.		
Item 93	CLAIMANT	802239, 802241, 802242, 802243, 802245, 802246, 802247, 802248, 802249V
Item 94	CLAIMANT	803218V
The Board voted to adopt the proposed decision.		
Item 95	CLAIMANT	803561, 803655, 803659V
The Board voted to adopt the proposed decision.		
Item 96	CLAIMANT	804133V
The Board voted to adopt the proposed decision.		
Item 97	CLAIMANT	807025, 807026V
The Board voted to adopt the proposed decision.		
Item 98	CLAIMANT	807176V
The Board voted to adopt the proposed decision.		
Item 99	CLAIMANT	807894, 807887, 807888, 807890, 807891, 807892, 807893V
The Board voted to adopt the proposed decision.		
Item 100	CLAIMANT	810581, 810586V
The Board voted to adopt the proposed decision.		
Item 101	CLAIMANT	800123V

The Board voted to adopt the proposed decisions.

Item 102 **CLAIMANT** **811719V**

The Board voted to adopt the proposed decision.

Item 103 **CLAIMANT** **811965V**

The Board voted to adopt the proposed decision.

Item 104 **CLAIMANT** **815749V**

The Board voted to adopt the proposed decision.

Item 105 **CLAIMANT** **816411V**

The Board voted to adopt the proposed decision.

Item 106 **CLAIMANT** **820561V**

The Board voted to adopt the proposed decision.

Item 107 **CLAIMANT** **831070V**

The Board voted to adopt the proposed decision.

Item 108 **CLAIMANT** **835145V**

The Board voted to adopt the proposed decision.

Item 109 **CLAIMANT** **857443V**

ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board
adopted these minutes at its meeting of December 15, 2005 at Sacramento, California.

Date: December 15, 2005 By: _____

Irma R. Mitchell
Board Liaison

(Affix seal here)